

REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response, Applicant amends Claims 5, 11 and 13. Applicant does not cancel or add any claims. Accordingly, Claims 1-21 are pending.

Applicant notes that the amendments submitted herewith to Claim 13 are not related to any rejection or statutory requirement of patentability or made to overcome any art of record. Rather, the amendments to Claim 13 are directed to clarifying and improving the readability of the claim limitations recited in independent Claim 13.

I. Claims Rejected Under 35 U.S.C. §112

The Examiner rejects Claims 4 and 5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding Claim 4, the Examiner states that the cycle number is used to define the selection of the first queue in Claim 1, which renders it confusing to understand how the cycle number can then be redefined to be C-1 in Claim 4.

In response, Applicant notes that it appears as though the Examiner is equating the terminology "based on" of Claim 1 to have the same meaning as "equivalent to." For example, the first queue, as recited in Claim 4, is still "based on" a derivative of the cycle number, C, in an alternative manner from that recited in Applicant's Claim 6, which the Examiner has deemed allowable. Therefore, Applicant submits that the recitation in independent Claim 1 of selecting a first queue based on the cycle number of a cycle does not necessarily restrict the first queue to having a number exactly equivalent to the cycle number on which the queue selection is based. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 4.

In regards to Claim 5, the Examiner notes that the phrase "is the same as" is vague and indefinite. In response, Applicant amends Claim 5 to indicate that the first queue number is the same as the second queue number. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 5.

II. Claims Rejected Under 35 U.S.C. §103(a)

The Examiner rejects Claims 1-5 and 11-18 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 4,495,615 to Wilcke ("Wilcke") in view of U.S. Patent No. 5,379,278 to Safadi ("Safadi").

To render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Among other limitations, independent Claim 1 recites flushing a first queue at the start of a cycle. Amended independent Claim 11 recites, among other limitations, a means for flushing data from the queuing means at the start of a cycle. Amended independent Claim 13 recites a processor to flush an egress queue based on the cycle number. Applicant submits that the cited references in combination fail to teach or suggest at least these limitations of Applicant's independent claims.

In making the rejection, the Examiner relies on Wilcke to show receiving queues [sic] over bus (switching matrix) 6 and placing them in a set of queues 7, 8 based on the cycle number of the time slot, as described in Column 2 of Wilcke. The Examiner acknowledges that Wilcke does not teach flushing a queue and relies on Safadi to show that it is desirable to initialize buffers by performing the housekeeping function of flushing them (Col. 5, lines 20+).

In response, Applicant first notes that the Examiner improperly relies on Safadi in an attempt to show the flushing of a queue as recited in Applicant's independent claims. However, a closer look at Safadi reveals that Safadi merely advocates flushing a queue of a node of a network that was automatically reconnected to the network after disconnecting from the network when a faulty condition was detected. In such a reinitialization process of reconnecting a node to a network, it would be logical to flush any data which may have caused the node to disconnect in the first place.

However, Applicant submits that there is no motivation to combine the flushing process used by Safadi (e.g., to ensure that data that may have caused the faulty condition is purged from the system) with the process of Wilcke in which no faulty condition exists. Moreover, Safadi

advocates flushing all of the transmit queues upon reinitialization of the node during a reconnect with the network (Col. 5, lines 21-23). If this method of Safadi was applied to Wilcke, all of the queues would necessarily be flushed, which is not what is recited in Applicant's independent claims and would be counter to one of the potential uses of Applicant's independent claims (e.g., to transmit packets during a proper cycle, see page 10, lines 16-23 of Applicant's Specification). Rather, independent Claims 1, 11 and 13 each select a queue to flush based on a particular cycle number. Therefore, there is (1) no motivation to combine Safadi with Wilcke, and (2) an incompatibility issue with Safadi and Wilcke when combined in an attempt to read on Applicant's independent claims. Thus, the cited references, even if improperly combined, do not teach or suggest at least these limitations of independent Claims 1, 11, and 13.

In addition, with regard to independent Claim 1, Wilcke fails to teach or suggest receiving at least one isochronous packet over a bus during a cycle. Likewise, amended independent Claim 13 recites a processor to direct incoming isochronous packets into one of the egress queues based on a cycle number, which is also not disclosed by Wilcke. Safadi fails to cure this deficiency of Wilcke. Therefore, at least these limitations of independent Claims 1 and 13 are also neither taught nor suggested by the cited references in combination.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claims 1, 11 and 13. Claims 2-5, 12 and 14-18 depend from independent Claims 1, 11, and 13, respectively. Therefore, the rejected dependent claims contain all of the limitations of their respective independent claims and are not obvious at least for the same reasons as their respective independent claims.

The Examiner rejects Claims 9 and 10 under 35 U.S.C. 103(a) as being obvious over Wilcke in view of Safadi and further in view of U.S. Patent No. 6,137,807 to Rusu, et al. ("Rusu").

In making the rejection, the Examiner relies on Wilcke and Safadi as applied above, acknowledging that Wilcke and Safadi fail to teach or suggest the use of free and used pointers. The Examiner relies on Rusu to cure this deficiency. In response, Applicant notes that Claims 9

and 10 depend from independent Claim 1, discussed above, and contain all of the limitations thereof. Thus, the same reasoning and arguments set forth above regarding independent Claim 1 apply equally here to Claims 9 and 10. Specifically, the cited references, even if improperly combined, fail to teach or suggest flushing a first queue at the start of a cycle and receiving at least one isochronous packet over a bus during the cycle. Therefore, the cited references in combination fail to teach or suggest every limitation of Claims 9 and 10.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 9 and 10.

III. Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claims 6-8 and 19-21 would be allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

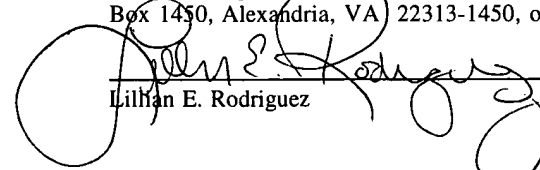
Dated: 12/2, 2003


Raul D. Martinez
Reg. No. 46,904

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 2, 2003.


Lilian E. Rodriguez

12-2-03
December 2, 2003